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EXAMINER

CUFF, MICHAEL A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 12/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/919,567

Applicant(s)

DOOLEY ET AL.

Examiner

Michael Cuff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Arguments*

1. Applicant's arguments, filed 9/22/03, have been received. The claims were not amended.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cesar et al. in view of Johnson et al.

Cesar et al. shows all of the limitations of the claims except for specifying an event manager, the use of XML, the use of "dotted notation", and the use of a UPAD protocol/adaptor.

Cesar et al. shows, figures 1, 2, 5 and 7, a system for identifying and communicating with a plurality of devices. The system has a base station 100 (SDA), which contains a computer 102 (UDAP adapter), memory 104 (DC), and a receiver/transmitter unit 106. The base station is in communication with RF tag units 131 and 141 (DSE). Figures 7a and 7b show the connection to the supply chain network. Figure 5 shows the process in the base station (acting as a server, DC mapping info) requests information. Column 7, lines 35 -44 recites that each base

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station identifies and communicates with at least some of the different (heterogeneous) tag types by "reading" the tag type number or some other characteristic such as the frequency emitted from the tag. On the basis of the tag type, the base station "looks up" the protocol (UDAP adapter) for communicating with the tag using a "look up" table.

Johnson et al. teaches, figure 2, an integrated computerized sales system making use of an event manager including mapping of events in order to facilitate new events base on the context in which the recognized event occurs. (column 2, lines 33-34)

Based on the teaching of Johnson et al., it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the Cesar system to enhance the base station with an event manager in order to facilitate new events base on the context in which the recognized event occurs.

The examiner takes Official Notice that the use of XML and "dotted notation" are old and well known and that it would be obvious to use them in order to take advantage of standardized methods.

Based on the discussion above, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the Cesar system to use XML and "dotted notation" in order to take advantage of standardized methods.

The examiner takes Official Notice that tailoring protocol systems and renaming the subsets to perform the same function is well known in the art in order to customize network communications.

Based on the discussion above, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to tailor the Cesar protocol system in order to customize network communications.

### ***Response to Arguments***

Applicant's arguments filed 9/22/03 have been fully considered but they are not persuasive.

3. Applicant asserts that there is no motivation to combine aspects of a sales automation network of Johnson et al. with the RF tagging device of Cesar et al. The examiner does not concur. Cesar et al. teaches a network system, which allows for communication throughout the supply chain network. Johnson et al. teaches an integrated computerized sales force automation system. The "integrated" part of this system is a computer network communication system. Controlling data transfer between system components is a common problem to be solved in both Cesar et al. and Johnson et al. Cesar et al. uses the base station to control the data transfer steps shown in, for example, figure 4. The Johnson et al. system is more rigorous in explaining how its system transfers data between system components by use of an event manager. Johnson et al. broadly explains the benefits of an event manger (column 2, lines 28-34) and applies it to the intent of the system, which is "to facilitate a new event in the sales process on the basis of the context in which the recognized event occurs." Even though Johnson et al. applies the use of the event manager to a sales process, this would not exclude one of ordinary skill in the art from improving a

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computer network communications system by using the teachings of another computer network communications system independently of the final use of the system.

Both Cesar et al. and Johnson et al. solve a common problem. Johnson et al. explicitly recites the benefits of its system. There is motivation to properly combine the references.

4. Applicant asserts, (page 8, top), that the combination of Cesar et al. and Johnson et al. "would lack one or more features of claim 1". Applicant then recites parts of claim 1 with some parts underlined. This is not a very clear way to point out what is lacking. These elements have all been addressed in the rejection. To clarify the examiner's interpretation, the base station, which reads on the SDA, also acts as a server, thus they are integrally coupled. Memory 104 reads on the data center. The term "an event" is considered to be a communication process step in Cesar. The terms "an event" and "event handler" become more formalized labels inherent in an event manager when Cesar and Johnson are combined. The combination of Cesar and Johnson meet the metes and bounds of the broadly recited claims.

5. Applicant asserts, (page 8, middle paragraph) that Cesar does not disclose "a server". The examiner does not concur. This was discussed above.

6. Applicant asserts that Johnson does not show certain features other than the event manager. This is not relevant.

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7. Applicant asserts that claims 9 and 14 are rejected for unknown and unstated reasons because the claims are substantially different from claim 1. The examiner does not concur. Claims 9 and 14 are merely reciting the method of using the system in claim 1.

8. Applicant asserts that the combination of Cesar and Johnson does not show the creation and use of a "description document". The examiner does not concur. From applicant's specification, "the SDA collects the configuration data and other information from the DSE and also from its own configuration data. The data is formatted into the description document using XML." More simply put, applicant's "description document" is a format template, which the event manager uses. This is an inherent feature in any event manager.

***Official Notice***

9. In the office action, dated 6/19/03, the examiner took "Official notice" that the use of XML and "dotted notation"; tailoring protocol systems and renaming the subsets to perform the same function; and that it would have been obvious to modify the Cesar et al. system to incorporate such features. Applicant has not traversed the examiner's assertion of official notice. Therefore, per MPEP 2144.03, section C, the examiner must clearly indicate in the next office action that the well known in the art statement, as mentioned above, is taken to be admitted prior art.

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***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (703) 308-0610. The examiner can normally be reached on 8:00 to 5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

*Michael Cuff* 12/8/03

Michael Cuff  
December 8, 2003